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U.S. DISTRICT COURT FILED DEC 11 2012 S.D. OF N.Y.

UNITED STATES DISRTICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA *ex rel.*
REGINALD SWINTON,

Petitioner.

REQUEST TO PROCEED IN FORMA PAUPERIS AND APPLICATION FOR APPOINTMENT OF COUNSEL. 18 U.S.C., § 3006A[G]

- v. -

STEVEN RACHETTE, SUPERITENDENT, GREAT MEADOWS CORRECTIONAL FACILITY,

Respondent.

---x

_____Civ._______

[ ] [ ]

I, REGINALD SWINTON, declare under the penalty of perjury that the foregoing is true and correct.

I am the petitioner in the above entitled case and hereby request to proceed in forma pauperis without being required to prepay fees or costs or give security. I state that because of my poverty I am unable to pay the costs of said proceeding or give security therefor, and that I believe I am entitled to redress.

1. I am presently employed at the Great Meadows Correctional Facility as a cell block, company porter, earning approximately twenty-nine dollars and sixty-eight cent per month.

2. If you are not presently employed: **N/A**.

3. In the past twelve months, I have received no monies from family members.

4. I have no monies in checking or saving accounts.

5. I do not own any apartment, house, or building, stocks, bonds, notes, automobiles or other property.

6. I do not pay for any rent or mortgage

7. I do noy pay money to support any other person.

8. There are no special financial circumstances which the Court should consider.

9. Further, by this motion in and on his behalf, I respectfully make application for an attorney to be assigned to represent me on this petition for a writ of habeas corpus pursuant to 18 U.S.C., § 3006A[g]; 28 U.S.C., § 1915 [d].

10. This request is premised on the fact that petitioner is a layman at law and the complexity of the constitutional law and reasoning surrounding the meritorious issues are beyondpetitioner's keen. Additionally, the inadequacy of the prison's limited legal library resources, and the scheduled amount of time permitted an inmate to perform research would place petitioner at an unfair disadvantage against the State without the assistance of competent representation being assigned by this Court to assist petitioner. Finally, assignment of counsel in this matter will permit the timeliness of all possible matters of discovery anticipated in this matter.

11. Petitioner has no funds with which to hire an attorney, he is currently a ward of the State.

12. Petitioner understands that if he is assigned a lawyer and he learns either from myself or elsewhere that Petitioner can afford counsel, he may give this information to the Court.

I understand that the Court shall dismiss this case if I give a false answer to any questions in this declaration.

Signed this 3 day of December, 2012

REGINALD SWINTON, Petitioner, *Pro-Se*

ET THE APPLICANT PROCEED ON APPEAL WITHOUT PREPAYMENT OF COST OR FEES OR THE NECESSITY OF GIVING SECURITY THEREFOR.

Dated:______________________, ___, 20___
Southern District of New York

UNITED STATES DISTRICT COURT JUDGE